PROPOSED RULE MAKING

CR-102 (December 2017)  
(Implements RCW 34.05.320)  
Do NOT use for expedited rule making

<table>
<thead>
<tr>
<th>CODE REVISER USE ONLY</th>
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<tbody>
<tr>
<td>OFFICE OF THE CODE REVISER</td>
</tr>
<tr>
<td>STATE OF WASHINGTON</td>
</tr>
<tr>
<td>FILED</td>
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<tr>
<td>DATE: February 26, 2020</td>
</tr>
<tr>
<td>TIME: 10:27 AM</td>
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<tr>
<td>WSR 20-06-030</td>
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</tbody>
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Agency: Department of Health- Board of Physical Therapy

<table>
<thead>
<tr>
<th>Type</th>
<th>Information</th>
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<tbody>
<tr>
<td>☑ Original Notice</td>
<td></td>
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<tr>
<td>☐ Supplemental Notice to WSR</td>
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<tr>
<td>☐ Continuance of WSR</td>
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<tr>
<td>☐ Preproposal Statement of Inquiry was filed as WSR; or</td>
<td></td>
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<tr>
<td>☐ Expedited Rule Making--Proposed notice was filed as WSR; or</td>
<td></td>
</tr>
<tr>
<td>☑ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).</td>
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Title of rule and other identifying information: (describe subject) WAC 246-915A-010 "Physical Therapists and Physical Therapist Assistants". The Board of Physical Therapy (board) is proposing to update the effective date in WAC 246-915A-010 for the Physical Therapy Compact per RCW 18.74.500, Article IX(2). This rule adopts the effective date of the compact rules to October 27, 2019.

Hearing location(s):

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location: (be specific)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/20/2020</td>
<td>10:00 a.m.</td>
<td>Department of Health 20425 72 Ave. S., Bldg. 2, Room 307, Kent, WA 98032</td>
<td></td>
</tr>
</tbody>
</table>

Date of intended adoption: 04/20/2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Kris Waidely
Address: Department of Health  
Board of Physical Therapy  
PO Box 47852  
Olympia, WA 98504-7852
Email: https://fortress.wa.gov/doh/policyreview
Fax: (360) 236-2901
Other:  
By (date) 04/13/2020

Assistance for persons with disabilities:

Contact Kris Waidely  
Phone: Kris Waidely  
Fax: (360) 236-2901  
TTY: 711  
Email: Kris.waidely@doh.wa.gov
Other:  
By (date) 04/13/2020
Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Physical Therapy Compact Commission has made minor amendments to the compact rules. The compact commission held a public rules hearing and the amendments were adopted and became effective on October 27, 2019. The proposed rules reflect the October 27, 2019 effective date. The compact commission rules are not effective in Washington unless the board adopts them. The minor amendments were:

Rule 1.1 - Adds a new definition for the word "denied" and reorders accordingly based on alphabetical order.
Rule 3.3 - Eligibility for Compact Privileges after an Adverse Action or Encumbrance. Clarifies the eligibility of someone who has a denied license by adding new paragraph and reorders other paragraphs.
Rule 3.5 - Explanation or Termination of a Compact Privilege. Moves paragraph C in Rule 3.5 to a more appropriate section in Rule 3.3.

Reasons supporting proposal: The board is opening rules to comply with RCW 18.74.500, Article IX(2), which mandates that in order to participate in the compact in the state of Washington, the Board of Physical Therapy must adopt compact rules.

Statutory authority for adoption: RCW 18.74.500, Article IX(2) and RCW 18.74.023.

Statute being implemented: RCW 18.74.500, Article IX(2)

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: none

Name of proponent: (person or organization) Department of Health ☒ Public ☐ Private ☐ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting:</td>
<td>Kris Waidely</td>
<td>(360) 236-4847</td>
</tr>
<tr>
<td></td>
<td>111 Israel Rd. SE, Tumwater, WA 98501</td>
<td></td>
</tr>
<tr>
<td>Implementation:</td>
<td>Kris Waidely</td>
<td>(360) 236-4847</td>
</tr>
<tr>
<td></td>
<td>111 Israel Rd. SE, Tumwater, WA 98501</td>
<td></td>
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<tr>
<td>Enforcement:</td>
<td>Kris Waidely</td>
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<tr>
<td></td>
<td>111 Israel Rd. SE, Tumwater, WA 98501</td>
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Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:
Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
   - Name:
   - Address:
   - Phone:
   - Fax:
   - TTY:
   - Email:
   - Other:

☒ No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards;
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b) (Internal government operations)

☒ RCW 34.05.310 (4)(c) (Incorporation by reference)

☐ RCW 34.05.310 (4)(d) (Correct or clarify language)

☐ RCW 34.05.310 (4)(e) (Dictated by statute)

☐ RCW 34.05.310 (4)(f) (Set or adjust fees)

☐ RCW 34.05.310 (4)(g) (ii) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit

☐ This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary: Chapter 18.74 RCW requires rules in order for Washington state to be able to issue compact privileges to physical therapists and physical therapist assistants who hold licenses in other states or who may wish to obtain compact privileges in other compact participating states if their originating state of licensure is Washington. The law requires the board to review the rules adopted by the Physical Therapy Licensure Commission (PTLC). The PTLC rules are not effective in Washington unless the state board adopts them.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 02/26/2029

Signature:

Name: Renee Fullerton
Title: Executive Director
WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules. (1) The physical therapy licensure compact (compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of October 27, 2019, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact/RulesinProgress or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.